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An ACT for the Encouragement of the *Britiſh* WHITE HERRING Fiſhery.

WHEREAS the Carrying on and Improvement of the *Britiſh* White Herring and Cod Fiſheries are of great Importance to theſe Kingdoms, as they may be of great Advantage to the Trade and Navigation thereof, and may be a Means of employing and providing for great Numbers of induſtrious Poor, provided the ſame could be carried on with a ſufficient Stock under proper Regulations, and that reaſonable Encouragements be given to ſuch Perſons as are willing to carry on the ſaid Fiſheries.

Therefore, for the Encouragement of ſuch Perſons as are willing to carry on the ſaid Fiſheries, and for the better Regulation of the

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the ſaid Trade, and for preventing Frauds and Impoſitions in the Management thereof; Be it Enacted

By the King's moſt excellent Majeſty,

By and with the Advice and Conſent of the Lords Spiritual and Temporal, and Commons in this preſent Parliament aſſembled, and by the Authority of the ſame, That it ſhall and may be lawful for his Majeſty, his Heirs and Succeſſors, by Letters Patent under the Great Seal of *Great Britain*, to incorporate the Right Honourable Sir *Samuel Pennant* Lord Mayor of the City of *London*, Sir *James Lowther*, Bart. Sir *Nathaniel Curzon*, Bart. Sir *Bouchier Wray*, Bart. Sir *Walter Blacket*, Bart. Sir *Ciril Wych*, Bart. Sir *Richard Lloyd*, Knt. *Edward Vernon*, Eſq; *William Whitaker*, *Stephen Theodore Janſſen*, and *Slingsby Bethell*, Eſqrs. Aldermen of the City of *London*, Lieutenant General *Roger Handaſyd*, Lieutenant General *Richard Onſlow*, Lieutenant General *James Oglethorpe*, *Thomas Fonnerau*, Eſq; *Velters Cornewall*, Eſq; *William Willy*, Eſq; *George Dodington*, Eſq; *William Northy*, Eſq; *Charles Gray*, Eſq; *William Davis*, Eſq; *Edward Stevenſon*, Eſq; *Paul Humphrey*, Eſq; *John Edwards*, Eſq; *Francis Craſteyne*, Eſq; Meſſrs. *Neufville* and *Schuman*, *Andrew Drummond*, Eſq; Capt. *George Stevens*, *Robert Crammond*, Eſq;

Eſq; *Jeffrey French*, Eſq; Mr. *Michael Miller* of *Briſtol*, Mr. *Robert Mackay*, Mr. *Jonathan Perry*, Mr. *Richard Baker*, Mr. *William Bowden*, *John Bance*, Eſq; Mr. *Peter Symmond*, *Theodore Cock*, Eſq; *George Dunbar*, Eſq; *Taylor White*, Eſq; Mr. *John Patten*, Mr. *Clark* of the old Jewry, *Michael Wilkins-Conway*, Eſq; *Archibald Stuart*, Eſq; *John Spooner*, Eſq; *Arthur Breadſley*, Eſq; Mr. *Roger Hogg* of *Baſinghall-ſtreet*, Mr. *William Crammond*, Mr. *Hutchinſon Muir*, Mr. *Robert Scot*, Mr. *George Spence*, Mr. *Robert Cady*, *Richard Taunton*, Eſq; *William Belchier*, Eſq; *William Thornton*, Eſq; *Francis Gwyn*, Eſq; *Peter Delme*, Eſq; *Jonathan Watſon*, Eſq; *Thomas Salusbury*, Eſq; *Richard Gildart*, Eſq; *John Hardman*, Eſq; *Laurence Dundaſs*, Eſq; *Thomas Curtis*, Eſq; *Michael Beecher*, Eſq; *Joſeph Percival*, Eſq; *Edward Ironſide*, Eſq; Alderman of the City of *London*, *George Walker*, Eſq; and all and every Perſon and Perſons, Bodies Politick and Corporate, who in their own Right, or as Executors, Adminiſtrators, Succeſſors or Aſſigns, derived or to be derived from, by, or under, the original Proprietors, at any time or times, hereafter ſhall have, and be intitled to, any Part, Share, or Intereſt, of or in the Capital Sum of five hundred thouſand Pounds herein after-mentioned, ſo long as they reſpectively ſhall have any ſuch Part, Share, or Intereſt therein, to be one Body Politick and Cor-

Corporate, in Deed and in Name, by the Name of *The Society of the Free* Britiſh *Fiſhery*; and by that Name to have a Succeſſion to continue for the Term of twenty one Years, and to have a Common Seal, with Power, from time to time, to chuſe their Governor, Preſident, Vice-Preſident, Council, and other Officers, in ſuch Manner, and under ſuch Qualifications with regard to the Electors and Elected, as ſhall be directed in ſuch Letters Patent; the firſt Governor, Preſident, Vice-Preſident, and Council, being qualified in the like Manner as all ſubſequent Governors, Preſidents, Vice-Preſidents, and Council, ſhall by the ſaid Letters Patent be directed to be qualified, and to continue in their reſpective Offices for the Space of three Years, from the Date of the ſaid Letters Patent.

And be it further Enacted, by the Authority aforeſaid, That it ſhall and may be lawful to and for his Majeſty, his Heirs and Succeſſors, by the ſaid Letters Patent of Incorporation, to impower the ſaid Society to make By-Laws, from time to time, for the Regulation and Government of the ſaid Society, and for the Regulation and Management of the ſaid Trade and Commerce which ſhall be carried on by them, and for the curing, ſorting, and packing their White Herrings, in ſuch manner as effectually to ſecure

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the Credit of the ſaid Commodities in Foreign Markets, and for the Government of the Servants, and others employed by the ſaid Society in the ſaid Fiſheries.

And be it further enacted, by the Authority aforeſaid, That it ſhall be lawful for the ſaid Society, from time to time, to direct what Seals or Marks they ſhall think proper to be put on all or every Barrel or Cask of their Fiſh; and that if any Perſon or Perſons whatſoever ſhall counterfeit ſuch Seal or Mark, or ſhall knowingly affix ſuch Seal or Mark ſo counterfeited to any Barrel or Cask of Fiſh, not belonging to the ſaid Society, ſuch Perſons ſhall forfeit and pay the Sum of five hundred Pounds for each Offence, to be recovered by Action, Plaint or Information in any of his Majeſty's Courts of Record at *Weſtminſter*, or in the Court of Seſſion in that Part of *Great Britain* called *Scotland*, one Moiety to be paid to the ſaid Society, and the other Moiety to be paid to ſuch Perſon or Perſons as ſhall ſue for the ſame.

And be it further enacted, That it ſhall and may be lawful for his Majeſty, his Heirs and Succeſſors, by his ſaid Letters Patent, to impower the ſaid Society, by a voluntary Subſcription, to raiſe the Sum of five hundred thouſand Pounds; which ſaid Sum, when

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ſo raiſed, ſhall be the Capital Stock of the ſaid Society; and to direct how the Property of the Perſons ſubſcribing may be aſcertained, transferred and alienated.

And be it further Enacted, by the Authority aforeſaid, That it ſhall and may be lawful for his ſaid Majeſty, his Heirs and Succeſſors, by the ſaid Letters Patent, to impower the ſaid Society, or ſuch Part thereof as ſhall, in the ſaid Letters Patent, be for that Purpoſe named, to make Calls, and direct the Payment of any Part of the ſaid Sum of five hundred thouſand Pounds, which any Perſon or Perſons ſhall ſubſcribe towards carrying on the ſaid Undertaking, at ſuch times as the ſaid Society, or ſuch Part thereof as ſhall be for that Purpoſe named, ſhall direct and appoint, ſo as the firſt Payment directed to be made, ſhall be made within the Space of thirty Days from the time of ſuch Subſcription, and be after the Rate of ten Pounds by the hundred of the whole Sum ſubſcribed; and ſo as the ſecond Payment be after the Rate of ten Pounds by the hundred of the Sum ſubſcribed; and that the other Payments be purſuant to the Direction of a General Court of the ſaid Society, which ſhall be for that Purpoſe aſſembled, or a Majority of them; and, in caſe any Perſon or Perſons ſhall refuſe or neglect to pay any Money

ney which ſhall be ſo called for by the ſaid Society, at the Times when the ſame ſhall be appointed to be paid, Notice of ſuch Call being given in the *London Gazette* by the ſaid Society, at leaſt thirty Days before the Day appointed for ſuch Payment, it ſhall be lawful for the ſaid Society to ſell and diſpoſe of ſo much of the Share or Stock of the Perſon or Perſons ſo neglecting or refuſing, as ſhall produce the Sum which ſuch Perſon or Perſons ought to have paid on ſuch Call; provided that all ſuch Money which ſhall be ſo ſubſcribed, and directed to be paid, ſhall be paid into the Bank of *England*, on account of the ſaid Society.

And be it further Enacted, That for an Encouragement to ſuch Perſons as ſhall become Subſcribers to the ſaid Stock, for carrying on the ſaid Fiſheries, that the Sum of three Pounds, by the Year, for each hundred Pounds, which ſhall be actually employed in the ſaid Fiſhery, and proportionably for any greater or leſſer Sum, ſhall be paid to the Proprietors of the ſaid Stock, for and during the Space of fourteen Years, from the Date of the ſaid Charter, out of the Cuſtoms, by the Receiver General of his Majeſty's Cuſtoms, by equal half-yearly Payments.

And, to the end it may be known what Sums ſhall, from time to time, be actually expended

expended or employed by the ſaid Society, in the ſaid Fiſhery, an Account ſhall be delivered to the Commiſſioners of his Majeſty's Cuſtoms of the Sums which ſhall be ſo expended or employed, and the ſaid Account ſhall be produced by the Accomptant of the ſaid Society, who ſhall, if required by the Commiſſioners, produce his Vouchers, diſtinguiſhing the ſeveral Articles in which the ſaid Sums ſhall be ſo expended or employed; which Account ſhall be ſigned by three at leaſt of the Council of the ſaid Society, as an Atteſtation that they have examined the ſaid Account, and believe the ſame to be juſt: And ſuch Account ſhall alſo be atteſted by the Oath of the Accomptant of the ſaid Society, that he believes the ſame to be a juſt and true Account; which Oath ſhall be made before any two Commiſſioners of his Majeſty's Cuſtoms, (who are hereby impowered and required to adminiſter the ſaid Oath) and ſhall be wrote at the Foot of the ſaid Account; and the ſaid Oath and Account ſhall be left in the Cuſtody of the Commiſſioners; and thereupon they, or any Three of the ſaid Commiſſioners, ſhall make Order, that Payment be made by the Receiver-General of his Majeſty's Cuſtoms to the ſaid Society, or ſuch Perſon as ſhall be by them impowered to receive the ſame, after the Rate aforeſaid, for ſuch Sums as by ſuch Account ſhall appear

to be ſo actually employed or expended by the ſaid Society, in or on account of the ſaid Fiſhery.

Provided, and be it further enacted by the Authority aforeſaid, That the ſaid Society ſhall employ the Sum of one hundred thouſand Pounds at leaſt in the ſaid Fiſheries, within the Space of eighteen Months after the Date of ſuch Subſcription: And that, for the Manifeſtation of the Sums which ſhall be ſo employed by the ſaid Society, the Accounts of the ſaid Society ſhall be annually laid before Parliament, and if Loſs ſhould ariſe by any Year's Adventure, and there ſhould be Gain by the ſucceeding Years, the ſaid Gain ſhall be applied ſo as to complete and make good the Veſſels and Fiſhing Stock, to the full Value of the ſaid original Sum of one hundred thouſand Pounds, before any Dividend ſhall be made out of the ſaid Gain.

Provided always and be it Enacted by the Authority aforeſaid, That ſuch Sums as ſhall, *bona fide*, be contracted to be paid within ſix Months, ſhall be deemed employed within the Senſe and Meaning of this Act, in Caſe ſo much Money of the ſaid Company, as will be ſufficient to anſwer the ſaid Contracts reſpectively, ſhall at the Time of making the ſame be in the Bank of *England*, and there remain

for the Purpoſe of paying the ſame, ſuch Contracts being in Writing, and ſigned or executed in the Preſence of two Witneſſes.

And be it further enacted by Authority aforeſaid, That no Transfer ſhall be made of any of the ſaid Stock, or Share of or in the ſaid 500,000 *l.* for the Space of five Years, from the Date of the ſaid Charter, but that the ſame ſhall be abſolutely void to all Intents and Purpoſes whatſoever: Provided always that it ſhall and may be lawful for the Executors, and Adminiſtrators or Deviſees of any Perſon or Perſons who ſhall happen to die, poſſeſſed of, or intereſted in any ſuch Stock or Share of, or in the ſaid 500,000 *l.* and alſo for the Aſſignees under any Commiſſion of Bankrupts to transfer ſuch Stock or Shares, and diſpoſe of the Produce thereof in ſuch Manner as they may by Law diſpoſe of any other Effects of ſuch Teſtator, Inteſtate or Bankrupt.

And be it further Enacted, That, as a further Encouragement to all Perſons whatſoever, as well Bodies Politick and Corporate, as others, and alſo the Perſons who ſhall be ſo incorporated, to engage in the ſaid White Herring Fiſheries, that a Bounty of thirty Shillings *per* Ton ſhall be paid annually out of ſuch Sums as ſhall be produced out of

of his Majeſty's Cuſtoms, to the Owner or Owners of all Decked Veſſels, from Twenty to Eighty Tons Burden, which ſhall be built after the Commencement of this Act, for the Uſe of the ſaid Fiſheries, and fitted out and employed in the ſaid Fiſheries, whether by the ſaid Society, or any other Perſon or Perſons whatſoever, in Manner and under the Regulations herein after-mentioned.

And be it further Enacted, That every Buſs or Veſſel, which ſhall be employed in the ſaid White Herring Fiſheries, by the ſaid Society, or whoſe Owners ſhall be intitled to the Bounty of thirty Shillings *per* Ton, by by virtue of this Act, ſhall be a Decked Buſs or Veſſel, built in *Great Britain*, after the Commencement of this Act, and ſhall proceed on the ſaid Fiſhery, from ſome Port in *Great Britain*, manned and navigated as by the Law now in Force is directed: And before ſuch Buſs or Veſſel proceed on ſuch Voyage, or be intitled to the Benefit of this Act, ſhe ſhall be viſited by ſuch Officer or Officers of the Cuſtoms belonging to ſuch Port, who ſhall be appointed by the Commiſſioners of the Cuſtoms to examine into ſuch Buſs or Veſſel, and who ſhall take an Account of the Tonnage thereof by Admeaſurement, and ſhall certify ſuch his or their Viſitation, Examination, and Admeaſurement, to the Commiſſioners

miſſioners of his Majeſty's Cuſtoms; and that ſhe hath on board ſuch a Quantity of Fiſhing-nets, and other Stores, to be uſed in the ſaid Fiſhery, as herein after are mentioned, and otherwiſe is a proper Veſſel to be employed in the ſaid Fiſhery: And upon its further appearing by the Oath of one or more Owner or Owners, or Agent appointed by them, or of a proper Officer or Agent of the ſaid Society (who ſhall be appointed for that Purpoſe) and of the Maſter or chief Officer of ſuch Veſſel, written at the Foot of the ſaid Certificate, and made before the Collector and Comptroller of ſuch Port (who are hereby impowered and required to adminiſter the ſame) that it is really and truly their firm Purpoſe and determined Reſolution, that ſuch Buſs or Veſſel ſhall proceed reſpectively ſo manned, furniſhed, and accoutred, either to *Braſſey's Sound* in *Shetland*, and be at the Rendezvous of the ſaid Fiſhery there, on or before the Eleventh Day of *June*, and ſhall not ſhoot or wet their Net, before the thirteenth Day of the ſaid Month of *June*, and ſhall continue following and fiſhing amongſt the Shoals of Herring, as they move Southward, to the firſt Day of *October*, or ſhall proceed to *Campbelltoun* in *Argyleſhire*, and be at the Rendezvous of the ſaid Fiſheries, on or before the firſt Day of *September*, and ſhall continue Fiſhing among the Shoals of Herring as they

they move, to the thirty firſt Day of *December*, unleſs they ſhall have ſooner completed their Loading of Fiſh; and ſhall fiſh in an orderly and regular Manner, without impeding or obſtructing other Veſſels which ſhall be employed in the ſaid Fiſhery: And ſhall keep a Journal of their Proceedings, and an Account of what Quantities of Fiſh they ſhall diſpatch away to Foreign Markets in their Jaggers or Tenders, before they come into Port, beſides the particular Quantity they ſhall bring into Port with them. And if, after ſuch Certificate had, and Oath made, ſuch Owner or Owners, or Officer or Agent of the ſaid Society, and Maſter or chief Officer of ſuch Veſſel, as aforeſaid, do alſo become bound with ſufficient Sureties unto his Majeſty, his Heirs and Succeſſors, in the Penalty of ſuch Sum as ſhall be equal to treble the Bounty on the Tonnage of his Veſſel, intended by this Act (which Bond the Collector, with the Approbation of the Comptroller, is hereby required to take, and is to be in Force for the Space of three Years againſt the Maſter and his Sureties, for the faithful Dealing of the ſaid Maſter and Ship's Company, in regard to the ſaid Veſſel and Voyage;) then, and in ſuch Caſe, it ſhall and may be lawful for the Collector and Comptroller of ſuch Port, to give and grant, and they are hereby required to give and grant,

to

to the Maſter and Owners of ſuch Buſs or Veſſel, full Licence and Authority to proceed on ſuch Voyage, as aforeſaid.

And, to prevent any Diſputes which may ariſe, Whether a Veſſel be properly qualified, and duly fitted out, for the Herring Fiſhery, according to the true Intent and Meaning of this Act, and intitled to a Certificate from the Cuſtom-houſe Officers; It is hereby Enacted, That every ſuch Veſſel ſhall be a Decked Veſſel, built in *Great Britain*, after the Commencement of this Act, and ſhall have on board twelve *Wincheſter* Buſhels of Salt for every Laſt of Fiſh which ſuch Veſſel is capable of holding; which Salt ſhall be barrelled up in new Barrels, and as many more new Barrels as ſuch Buſs or Veſſel is capable of carrying, and ſhall have two Fleets of tanned Nets proper for the Herring Fiſhery; that is to ſay, That every ſuch Buſs or Veſſel of the Burden of ſeventy Tons, and deſigned for this Fiſhery, ſhall, on her proceeding to Sea, have on board one Fleet of fifty Nets, each Net to be thirty Yards full upon the Rope, and ſeven Fathoms deep, and ſo in Proportion for any Veſſels of a greater or leſſer Tonnage; and be provided with one other Fleet of Fifty like Nets on board a Jagger or Tender, which is to attend the

the ſaid Fiſhery, or left on Shore in a proper Place for the Uſe of the ſaid Buſs or Veſſel.

And be it further Enacted, That every ſuch Veſſel of twenty Tons, which ſhall be employed in the ſaid Fiſhery, ſhall have on board, at ſuch of the Places afore-mentioned as ſhall be appointed for their Rendezvous, not leſs than ſix Men; and every Veſſel of greater Burthen ſhall, over and above the ſix Men aforeſaid, have one for every five Tons which ſhe ſhall exceed twenty Tons.

And be it further Enacted, by the Authority aforeſaid, That, on the Return of ſuch Veſſel into any Port of *Great Britain* for her Diſcharge, the chief Officer of the Cuſtoms, or ſuch other Officer of the Cuſtoms as he ſhall appoint at ſuch Port, ſhall immediately repair on board ſuch Veſſel, and view the Condition of ſuch Veſſel, and her Lading, and certify the ſame, together with their Obſervations thereon, and alſo the real Tonnage of the ſaid Buſs or Veſſel: And the ſaid Officers are alſo to take an Account of the Names of the Maſter, and other Perſons on board, and to certify the ſame: And the Maſter ſhall make Oath, before the Collector and Comptroller of ſuch Port (who are hereby impowered and required to adminiſter the ſame), which ſhall be wrote on the

the Back of, or annexed to, the Licence granted as aforeſaid, and which they are hereby required to deliver up, and what they did in purſuance thereof, That ſuch Veſſel was at one of the Places before-mentioned at the time appointed by this Act; and has not ſince been on any other Voyage, or purſued any other Deſign, or View of Profit; and that they did remain fiſhing according to the Direction of this Act; and had, at the time of their Rendezvous, the Quantity of Nets, and other Stores, and Number of Men herein before directed to be on board the ſaid Veſſel and Jagger, or Tender, or left on Shore as aforeſaid: All which Certificate, Schedule, Licence, and Oath, together with the Account of the Fiſh taken by the ſaid Veſſel, ſhall be tranſmitted, by the Collector and Comptroller of ſuch Port, to the reſpective Commiſſioners for that Part of *Great Britain* from whence the Buſs or Veſſel departed with her Licence: And ſuch Commiſſioners, being fully ſatisfied of the faithful Dealings of the Maſter, and other Perſons employed in ſuch Veſſels, with reſpect to ſuch Voyage and Fiſhing, ſhall, on Demand, cauſe Payment to be made to the Owner or Owners, or to his or their Aſſigns, by the Receiver-General of the Cuſtoms, the Sum of thirty Shillings *per* Ton, according to the Ad-

Admeaſurement of ſuch Veſſel, duly certified as aforeſaid.

Provided always, That ſuch Bounty of thirty Shillings *per* Ton aforeſaid ſhall be paid yearly, during the Space of fourteen Years from the Commencement of this Act, and no longer, upon conforming to the Regulations of this Act.

Provided alſo, That nothing in this Act ſhall be conſtrued to extend to exclude any of his Majeſty's Subjects, who ſhall not be Members of the ſaid Society, or employed by them, from fiſhing, or carrying on the White Herring and Cod Fiſheries, and any other whatſoever, in ſuch Manner as they might have done, in caſe this Act had never been made.

And whereas the Encouragement above mentioned ought to be extended, as far as may be, to all the Subjects of *Great Britain*, and whereas the ſupporting and enriching the Cities and Towns being Ports, will be for the Security and good of the Realm, by augmenting the Navigation and ſtrengthening the Sea Coaſts; **Be it therefore enacted**, That any Number of Perſons who ſhall ſubſcribe Ten thouſand Pounds, or upwards, into the Stock of the ſaid Society, and ſhall carry on the ſaid Fiſhery under

 their

their own Management, and on their own Account of Profit and Loſs, conformably nevertheleſs to the Directions of this Act, and of the ſaid intended Charter, except as to their being obliged to uſe the Marks of the ſaid Society, and from the Port named by them, if they do ſubſcribe under the Name of *The Fiſhing Chamber* of ſuch City, Town or Port reſpectively, and ſhall ſend their Account of Monies expended in the ſaid Fiſheries, which Account ſhall be atteſted by three of the Committee, to be appointed by the Majority of ſuch Subſcribers for managing the Matters of the ſaid Chamber; and be alſo ſigned by a Perſon to be appointed by the Majority of ſuch Subſcribers, to be the Accomptant of the ſaid Chamber, who ſhall make Oath before one of his Majeſty's Juſtices of the Peace, that he verily believes the ſame is a true Account, the Vouchers whereof he ſhall produce if required; the ſaid Accompt ſhall be tranſmitted to the Governor and Council of the ſaid Society at London, and the Accomptant of the ſaid Society at London ſhall be impowered, and is hereby required to enter the ſame, as a Sum expended in the ſaid Fiſheries by the ſaid Society, in the Account which he ſhall deliver in to the Commiſſioners of the Cuſtoms, as aforeſaid; and the ſaid Chamber ſhall be intitled to, and receive yearly, three Pounds for every

ry Hundred Pounds, in the ſame Manner as the Society do for any other Monies employed in the Fiſhery by the ſaid Society, after deducting the neceſſary Charges and Expences ariſing from the Receipt of the ſame; Provided alſo that ſuch Chambers, which ſhall ſo trade or fiſh on their own Account, ſhall not have any Profit or Loſs ariſing from the Trade of the ſaid Society. Provided always that the Receiver General of his Majeſty's Cuſtoms ſhall pay yearly the ſaid Sum of three Pounds for every Hundred Pounds unto the ſaid Society in London, or to ſuch Perſon or Perſons, as ſhall be by them impowered to receive the ſame, and the ſaid Society ſhall pay over the ſaid yearly Sum of three Pounds for every Hundred Pounds, deducting thereout the neceſſary Charges of receiving the ſame unto the reſpective Fiſhing Chambers entitled thereto, or to ſuch Perſon or Perſons as ſhall, by the ſaid Chambers reſpectively, be impowered to receive the ſame.

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